# What is a Formal Enforcement Proceeding?

- Violation Report and Complaint for Civil Penalties
- Statement of Defense
- Recommended Enforcement Decision by staff for Consideration by Enforcement Committee and/or Commission
- Results in Proposed Cease and Desist and/or Civil Penalty Order, possibly settled

#### Commission Public Hearing on Recommended Enforcement Decision – Possible Outcomes

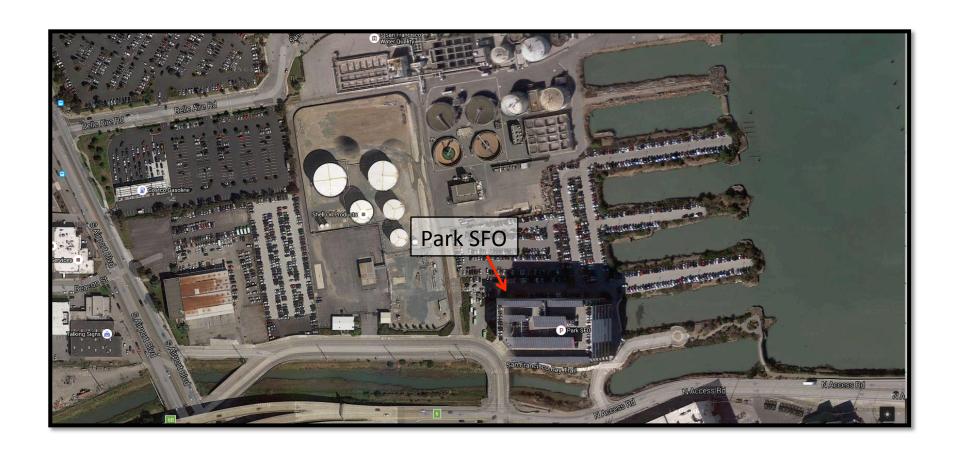
- Adopt Recommendation In Full or In Part
- Dismiss Recommendation
- Remand Recommendation to Enforcement Committee or Staff
- Reject Enforcement Committee
   Recommendation and Consider De Novo

Stipulated Cease and Desist and
Civil Penalty Order
No. CCD2016.01
(Trux Airline Cargo Services and
City of South San Francisco)

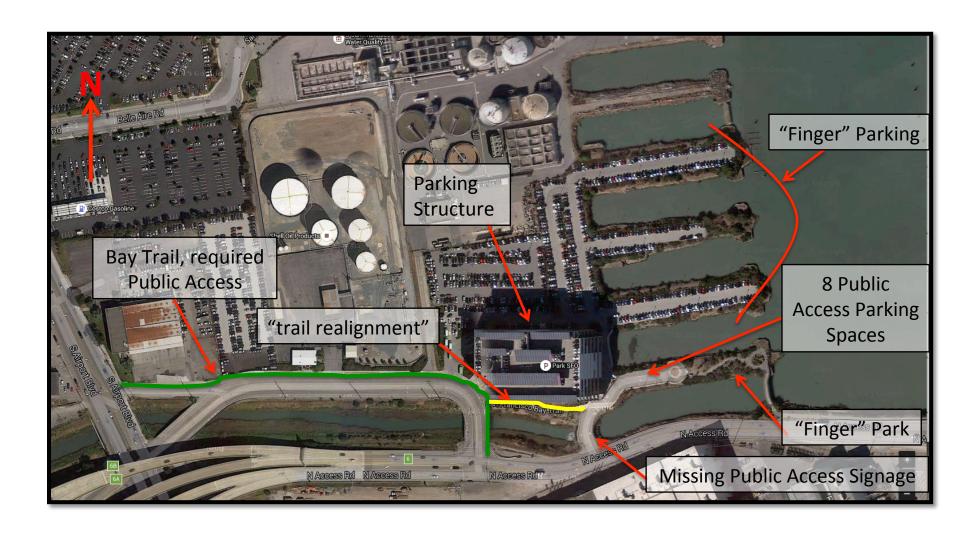
### **Park SFO Vicinity Map**



## Park SFO Site Map



### Park SFO Site Map



### **BCDC Permit Violations**

- A. Failure to permanently guarantee all public access areas
- B. Failure to permanently guarantee the open space area for wildlife habitat
- C. Failure to post one Bay Trail sign, one Public Shore sign, and three public shore parking signs in conformance with the staff-approved public access signage
- D. Failure to provide and maintain adequate signage for eight public parking spaces
- E. Failure to provide signage that clearly promotes the required public access amenities
- F. Failure to screen the parking structure by not placing landscaping on its south and east sides to reduce visual impacts of the structure from the BCDC-required public access areas
- G. Failure to maintain the BCDC-required public access improvements and areas, such as landscaping, seating, path surfaces and signage
- H. Failure to submit two, past-due monitoring reports for the wildlife habitat surrounding the "finger" parking areas
- Failure to authorize the as-built and desired re-alignment of a section of the public access walkway and changes to the width and location of sidewalks and bike lanes located on the segment of the Bay Trail
- J. Construction of two 5-foot wide bike lanes verses two 8-foot wide bike lanes on both sides of North Access Road as required by plans
- K. Construction of an unauthorized gate and fence in the shoreline band

### **Relevant Documents:**

- Staff's Recommended Enforcement Decision, dated July 22, 2016
- 2. Stipulated Cease and Desist and Civil Penalty Order, signed by Trux and the City on July 21, 2016
- 3. Violation Report with Exhibits, mailed March 23, 2016
- 4. Amended BCDC Permit No. 1998.011.04, issued on May 10, 2016
- 5. Trux's Statement of Defense, submitted on May 18, 2016
- 6. City's Statement of Defense, submitted on May 18, 2016
- 7. Proposed Cease and Desist and Civil Penalty Order, dated June 21, 2016
- Staff's Recommended Enforcement Decision, dated June 21, 2016

### **Unresolved Violations**

- **A.** Failure to permanently guarantee all public access areas;
- **B.** Failure to permanently guarantee the open space area for wildlife habitat; and
- **G.** Failure to maintain the BCDC-required public access improvements and areas, such as landscaping, seating, path surfaces and signage

# C.-D.-E. Public Access Signage: Before and After



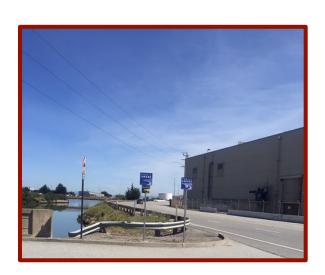
Bay Trail, Public Shore, and Public Shore Parking Signs



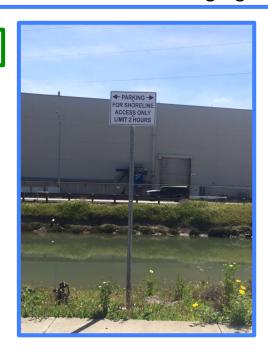


Fallen Public Shore Parking Sign

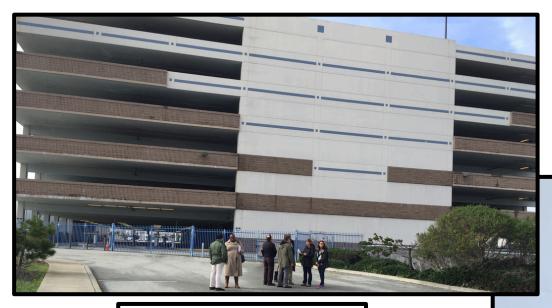








# F. Visual Screening of Parking Structure: Before and After



After (June 2016)

Before (January 2016)

### G. Public Access Maintenance: June 2015 and June 2016













June 2016

### K. Unauthorized Gate/Fence



# Stipulated Order No. CCD2016.01: Cease and Desist and Civil Penalty Orders

#### **Cease and Desist Order:**

- 13. Record Public Access Permanent Guarantee
- 14. Record Open Space Permanent Guarantee
- 15. Resolve Outstanding Public Access Maintenance Issues

#### **Civil Penalty Order:**

- 17. & 18. Pay \$210,000 Civil Penalty to the Bay Fill Cleanup and Abatement Fund
- 19. Stipulated Penalties for failure to comply at \$200/day per unresolved violation